

# Exhibit 1

## (Filed Under Seal)



Deposition of:  
**Debra Tinlin**

*February 8, 2017*

In the Matter of:  
**In Re: Bard IVC Filters Products  
Liability**

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1           somebody from Lopez McHugh or was it somebody  
2           from that other law firm?

3       A     The other law firm.

4       Q     And to your knowledge you -- did you speak with  
5           an attorney or was it somebody --

6       A     No.

7       Q     -- like a paralegal or something?

8       A     I spoke with Shirley Majors. I remember her  
9           name, and she was not an attorney.

10      Q     And you never met with anyone in person; is  
11           that right?

12                       MR. MANKOFF: Object to form.

13                       THE WITNESS: No.

14           BY MS. KOWALZYK:

15      Q     So do you know when you first retained a lawyer  
16           to represent you in your lawsuit against Bard?

17      A     2014, I believe.

18      Q     Do you know what month?

19      A     Around March.

20      Q     Okay. So now I'm just going to go through some  
21           background information. So would you just  
22           state your full name and address?

23      A     Debra Ann Tinlin, 408 East Park Street,  
24           Bonduel, Wisconsin, 54107.

25      Q     How long is Bonduel from Green Bay?

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1 A About 40 miles.

2 Q Is that where you grew up?

3 A No. I grew up in Shawano.

4 Q Where is Shawano?

5 A About another eight miles past Bonduel.

6 Q Okay. Is it a small town?

7 A Shawano, yes, about 11,000 people.

8 Q Okay. So you grew up in Shawano, born there  
9 all the way through high school?

10 A Correct.

11 Q Uh-huh. And where were you born?

12 A Shawano Hospital.

13 Q And what was your birth date?

14 A March 6, 1964.

15 Q And did you grow up in Shawano or outside of  
16 town?

17 A The first seven years I lived in town and we  
18 moved out into the country, always had a  
19 Shawano address.

20 Q Who did you live with growing up?

21 A My parents and my brother.

22 Q What are your parents' names?

23 A Wally and Mary Schardt, S-C-H-A-R-D-T.

24 Q Are your parents still living?

25 A My father's deceased.

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1 Q When did he pass away?

2 A January 16, '16.

3 Q Does your mother still live in Shawano?

4 A Yes.

5 Q And you had one brother?

6 A I still do, yes.

7 Q Sorry. Sorry. And what is his name?

8 A Dan, Daniel.

9 Q Is he older than you or younger than you?

10 A He's 15 months older.

11 Q Where does Daniel live?

12 A Suring, Wisconsin.

13 Q Suring?

14 A Suring, S-U-R-I-N-G.

15 Q And you've lived at the 408 East Park Street  
16 for a number of years, correct?

17 A Since 1989.

18 Q Is that a house?

19 A Pardon me?

20 Q Is it a house or is it a condo or --

21 A It's a house.

22 Q -- townhouse? It's a house, yup. Who do you  
23 currently live with?

24 A My husband, Jim.

25 Q How long have you lived with Jim?

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1 A Since we were married in 1984.

2 Q Have you ever lived in separate homes from Jim  
3 since 1984?

4 A Yes.

5 Q When did you live in separate homes?

6 A Well, when we were in Kansas I was still in the  
7 military and I was in the barracks, and he had  
8 a job in a residence that was about 250 miles  
9 away from the base.

10 Q All right. Is that the only time that you  
11 lived apart from Jim since 1984?

12 A Yes.

13 Q And how -- how long was it that you lived in  
14 the barracks and he lived 250 miles away?

15 A From April of '83 until October of '85.

16 Q So you got married sometime in the middle of  
17 that?

18 A Yes.

19 Q Okay. Have you lived with anyone else other  
20 than Jim or in addition to Jim over the past  
21 ten years?

22 A My son.

23 Q And what's your son's name?

24 A Andrew.

25 Q And how old is Andrew?

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1 A He's 27.

2 Q Where does Andrew live?

3 A In Jackson, Wisconsin.

4 Q How far away is Jackson, Wisconsin?

5 A About a two-hour drive.

6 Q Did he move away from home right after he  
7 graduated high school?

8 A No. He went to college.

9 Q Did he live at home when he went to college?

10 A Well, he lived in the dorm and came home on the  
11 weekends.

12 Q And did he go to college here in Green Bay  
13 or --

14 A No. He went to Concordia in Mequon, Wisconsin.

15 Q Okay. After -- after -- after Andrew graduated  
16 high school did he go to college the following  
17 fall?

18 A Yes.

19 Q And so from that point to now has he ever lived  
20 at home full time?

21 A Yes. After college he lived back at home.

22 Q Okay. So do you remember about what years that  
23 would have been?

24 A Graduated college in 2012, May of 2012 and he  
25 moved out in, I believe it was April of 2013 he

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1 additional pulmonary embolism?

2 A Yes.

3 Q And did they tell you that the reason they  
4 recommended a filter as an additional mechanism  
5 to try to prevent the pulmonary embolism was  
6 because you were -- you had developed the clots  
7 even while on the blood thinning medication?

8 MR. MANKOFF: Object to form.

9 THE WITNESS: I believe that's what  
10 they said, yes.

11 BY MS. KOWALZYK:

12 Q Did they talk about any other options for  
13 treatment other than the filter at that time?

14 A They told me I would have to be on Coumadin for  
15 the rest of my life.

16 Q And did they tell you if they were recommending  
17 that you have a filter placed permanently or  
18 temporarily?

19 A I don't remember anything about -- I thought it  
20 was in there forever.

21 Q Did you understand that the recovery filter or  
22 other inferior vena cava filters were a medical  
23 device that could be retrieved if your doctors  
24 determined it was no longer necessary?

25 A No.



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1 Q It was your understanding from the beginning  
2 that once you had one, you kept it.

3 A I believe so, yes.

4 Q Did they tell you how the filter would be  
5 placed?

6 A Yes.

7 Q What did they say?

8 A They said they would make an incision in my  
9 groin area and then push it up where it goes.

10 Q Did they provide you any written information  
11 regarding the filter?

12 A Not that I remember.

13 (Exhibit No. 4 marked for identification.)

14 BY MS. KOWALCZYK:

15 Q I'm going to hand you what's been marked as  
16 Defendant's Exhibit 4.

17 (Exhibit No. 5 marked for identification.)

18 BY MS. KOWALCZYK:

19 Q And I'm going to hand you what's marked as  
20 Defendant's Exhibit 5 as well.

21 A Okay.

22 Q And you've had an opportunity to look over  
23 Defendant's Exhibit 4?

24 A Okay. I've looked at it.

25 Q Okay. And do you recognize this as one of your

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1 following condition: Bilateral DVT with  
2 pulmonary embolus with the following procedure,  
3 inferior vena cava. Dr. Riebe has discussed  
4 with me the nature of the proposed treatment  
5 are procedure and its benefits, risks, and  
6 consequences and the alternatives and the  
7 risks, benefits, and consequences."

8 Did I read that correctly?

9 A You read what it says here, yes.

10 Q And you saw on Exhibit 4 where it -- Dr. Riebe  
11 also indicated that the procedure was done  
12 after describing risks, benefits, and  
13 alternatives to the procedure written consent  
14 was obtained. So my question to you is what do  
15 you recall Dr. Riebe or any of the other  
16 doctors or nurses telling you before the filter  
17 was placed?

18 MR. MANKOFF: Object to form.

19 THE WITNESS: They told me it was  
20 something I would need to save my life, and I  
21 don't remember them saying anything negative  
22 about it.

23 BY MS. KOWALZYK:

24 Q And was there anyone else with you during  
25 that -- those conversations or that

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1 MR. MANKOFF: Object to form.

2 THE WITNESS: I think the exercises  
3 possibly helped a little bit.

4 BY MS. KOWALZYK:

5 Q What kind of exercises did they have you do?

6 A I don't even remember anymore.

7 Q Okay. So going back to the time right after  
8 the filter was placed, did any doctor recommend  
9 that you have the filter periodically checked?

10 A I don't -- I don't recall.

11 Q Did you ever talk to Dr. Riebe again?

12 A No. I don't believe I ever did.

13 Q So the only time you talked with him was when  
14 he was in the radiology room to do the  
15 procedure.

16 A I believe so.

17 Q Okay.

18 A Yes.

19 Q Do you recall having had a CT scan of your back  
20 done a few days after the filter was placed?

21 A While I was still in the hospital, yes.

22 Q And do you know why they did a CT scan of your  
23 back?

24 A Because I was having those sharp pains there.

25 Q Okay. And, you know, the records from that

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1 time indicate that the doctors intended that  
2 the filter would be retrieved at some point and  
3 so that -- that's just not -- you just have no  
4 recollection of any discussion that the filter  
5 would be retrieved at some point?

6 MR. MANKOFF: Object to form and to  
7 the representation of what the records say.

8 BY MS. KOWALZYK:

9 Q You can answer.

10 A No, I don't remember them saying anything.

11 Q Okay. And you were discharged from St. Mary's  
12 on May 11, 2005. Does that sound right?

13 A (Nodding.)

14 Q And you were to continue taking the Lovenox to  
15 point indefinitely, does that sound right?

16 A Coumadin.

17 Q Yeah. I think Coumadin and Lovenox are maybe  
18 used interchangeably, but at that point you  
19 were going to continue taking anticoagulation  
20 medication indefinitely, right?

21 MR. MANKOFF: Object to form.

22 THE WITNESS: Yes.

23 BY MS. KOWALZYK:

24 Q They had told you that you would need to be on  
25 that for the rest of your life.

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1 have an exacerbation and then you lose  
2 function. I haven't had an MS exacerbation  
3 since, I believe, 2011.

4 Q Okay. So just based on the timing of it you  
5 don't believe that it's because of the MS. You  
6 believe that it's because of the --

7 A Total system failure.

8 Q Okay. Any other organ problems that you  
9 believe are a result of the cardiac tamponade?

10 A The diaphragm.

11 Q Okay. Tell me about that.

12 A The split in the diaphragm. After the open  
13 heart surgery to remove the struts from my  
14 heart I had a sternal shift which means the  
15 right and the left side of your rib cage move  
16 independently and they rub together and as it's  
17 doing that it's tearing apart the diaphragm.

18 Q And so that's why you had to have the hernia --  
19 or --

20 A Diaphragmatic hernia surgery repair.

21 Q Right.

22 A Yes.

23 Q Where does Dr. Peter Stanko practice?

24 A Aurora.

25 MS. KOWALZYK: Can we go off the

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1 THE WITNESS: Yes.

2 BY MR. MANKOFF:

3 Q So if you understood that in 2005 would you  
4 have had the filter put in?

5 MS. KOWALZYK: Object to the form.

6 THE WITNESS: No.

7 BY MR. MANKOFF:

8 Q Do you recall there were questions about the  
9 fact that some images in 2008 showed that the  
10 filter had fractured? Do you remember those  
11 questions?

12 A Yes.

13 Q Now, if you had known at that time that there  
14 was a chance that the filter could fracture  
15 would you have had imaging and tests to check  
16 for that possibility?

17 MS. KOWALZYK: Object to the form.

18 THE WITNESS: Yes.

19 BY MR. MANKOFF:

20 Q At the time that the filter was put in, if you  
21 were told that you would need the filter for  
22 the rest of your life would you have opted for  
23 a permanent filter or one that could be  
24 removed?

25 MS. KOWALZYK: Object to the form.